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C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 005934

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DEPARTMENT FOR INL/PRAHAR
DOJ FOR OPDAT (LEHMANN) AND OIA (BURKE)

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TAGS: [PGOV](#) [KCRM](#) [PHUM](#) [PINR](#) [RS](#)
SUBJECT: RUSSIAN PROCURATOR GENERAL DISMISSED

REF: 04 MOSCOW 8743

Classified By: Minister-Counselor for Political Affairs Kirk Augustine.
Reasons 1.4 (B/D).

¶1. (C) SUMMARY: President Putin removed Vladimir Ustinov as Procurator General on June 2. He did not name an immediate replacement. PolPreds Dmitriy Kozak and Aleksandr Konovalov are considered leading candidates to replace Ustinov. The suddenness of the move surprised observers, although rumors about Ustinov's removal have long circulated. Throughout his tenure, Ustinov created stumbling blocks to foreign technical assistance to the Procuracy, and his departure may be good news for the Embassy. Ustinov had been an important member of the "silovik" group in the Kremlin, and speculation in the period ahead will center on the implications of his removal for the balance of power within Putin's inner circle. Observers will also analyze the implications of Ustinov's removal in terms of the succession, particularly if Kozak moves into Ustinov's slot. END SUMMARY

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USTINOV'S REMOVAL

¶2. (SBU) President Putin issued a presidential order on June 2 removing Procurator General Vladimir Ustinov from his post.

In accordance with constitutional procedures, the Federation Council voted on that order, endorsing it by a unanimous vote of 140-0 with two abstentions, thereby legally sealing Ustinov's fate. Media reports noted that the 54-year old Ustinov had asked to resign for "health reasons," noting at the same time that this is often the face-saving formulation for dismissed senior officials. Ustinov became Prosecutor General in May 2000 and last year was re-appointed to a second five-year term by a vote of the Federation Council. During his term, he personally oversaw several of the country's most controversial judicial proceedings, including the case against former Yukos CEO Mikhail Khodorkovskiy and oligarchs Berezovskiy and Gusinskiy.

¶3. (SBU) The suddenness of Ustinov's departure surprised observers, although rumors have long swirled that he would be removed (reftel). Pundits have already begun to speculate that Ustinov's sudden departure could be linked to the latest anti-corruption campaign, which Putin launched in his May 10 address to the nation. A number of senior law enforcement and security officials have already been dismissed from their positions, and the Customs Service was placed under the direct authority of the Prime Minister. Others suggest that Ustinov's removal should be seen in the context of the Kremlin's permanent preoccupation with consolidating its hold on power. In this context, some saw Ustinov -- a holdover from the Yeltsin era -- as a less than trustworthy figure, despite his eagerness to please the Kremlin.

¶4. (SBU) The Federation Council will discuss a permanent replacement for Ustinov later this month, according to Council Chairman Sergey Mironov. By most accounts, Dmitriy Kozak, the Southern District PolPred and, arguably, one of the country's leading trouble-shooters, is a front runner. Volga District PolPred Aleksandr Konaivalov is also among the rumored front-runners. In the interim, First Deputy Procurator General Yuriy Biryukov was elevated to the top legal job in an acting capacity.

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GOOD NEWS FOR USG ASSISTANCE PROGRAMS?

¶5. (C) From the Embassy's perspective, Ustinov's departure may prove to be good news. He rarely met with USG officials, including those from the Embassy, and any program involving the Procuracy's participation with USG programs always required his personal approval, which sometimes proved a lengthy and difficult process that ended with a refusal. This was part of a broader pattern, throughout his tenure, of creating stumbling blocks to foreign technical assistance aimed at supporting reform in the General Procuracy. Beyond that, he set a xenophobic tone within the Procuracy, which further complicated foreign cooperation. The Procuracy's rank-and-file with which Embassy's Law Enforcement Section worked dropped subtle hints of their lack of respect for him, and from their perspective, he no doubt will not be missed.

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COMMENT

¶6. (C) Even at this point it is safe to say that few rule-of-law experts or human rights advocates will mourn

MOSCOW 00005934 002 OF 002

Ustinov's departure. His tenure as Procurator General has been controversial, and his public statements occasionally have drifted away from strict legal judgments and well into the realm of personal opinion, some bordering on the illegal.

Last year, for example, Ustinov advocated that law enforcement and security officials operating in the northern Caucasus consider taking hostage the family members of leading Chechen separatists as a tactic to break the back of the ongoing insurgency there.

¶7. (C) Beyond the implications for the rule of law in Russia, speculation will center on how Ustinov's removal will affect the balance of power in the Kremlin and the succession struggle. Ustinov is an important member of the "silovik" group inside the Kremlin, and some will view his removal as a setback for that group. (NOTE: Ustinov's son is reportedly married to the daughter of Presidential Administration deputy head Igor Sechin, who is generally regarded as the head of the "silovik" group. END NOTE.)

¶8. (C) On the day of Ustinov's removal, German Gref publicly indicated that he may tender his resignation as Minister of Economic Development and Trade, raising speculation that he will be removed to counter-balance the setback to the siloviki with the departure of a key member of the Kremlin's liberal group. That would be seen as part of Putin's effort to maintain balance among his inner circle. All eyes will also focus on whether Kozak will return to Moscow and step in as Procurator General -- and thus become a contender to replace Putin as president in 2008.

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